

**CITY OF NORWALK  
THIRD TAXING DISTRICT  
AUGUST 25, 2003**

**ATTENDANCE:** David L. Brown, Chairman; Stephen Feinstein; Paul S. Coggin.

**STAFF:** George Leary, District General Manager; Ron Scofield, District Office Manager; Christopher Jarboe, Esq., Assistant District Counsel.

Chairman Brown reconvened the meeting at 7:07 p.m. and advised that this session was continued from August 18<sup>th</sup>.

**Chairman Brown said that while it was a sad event, he had the pleasure to attend the recent memorial service held for Pfc. Perez. The Resolution, prepared in Pfc. Perez's honor and read at a previous meeting, would be framed and delivered to his parents, after each of the commissioners signed it.**

**\*\* CHAIRMAN BROWN MOVED THE MEETING INTO EXECUTIVE SESSION FOR DISCUSSION OF THE GENERAL MANAGER'S EMPLOYMENT CONTRACT, THE NEW OFFICE WORKER AND THE PENDING LEGAL CLAIM OF THE VANDERBILT MATTER.**

**\*\* MR. COGGIN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**The Commissioners went into Executive Session at 7:10 p.m. and reconvened into Public Session at 8:25 p.m.**

**Mr. Coggin said that changes to the General Manager's employment contract were discussed in Executive Session, and a revised version of the Agreement was presented to Mr. Leary and to each of the commissioners. There would be further discussion at a subsequent meeting.**

**Mr. Coggin said that the hire of a new office worker and settlement of the Vanderbilt billing dispute was also discussed in Executive Session.**

**NEW OFFICE WORKER**

**\*\* CHAIRMAN BROWN MOVED TO ACCEPT THE RECOMMENDATION OF THE GENERAL MANAGER AND THE DISTRICT OFFICE MANAGER TO HIRE A CUSTOMER ACCOUNT ANALYST PURSUANT TO THE REVISED WORDING OF ATTORNEY CHRISTOPHER HODGSON'S LETTER REGARDING THE REPLACEMENT OF NEW HIRES AND PURSUANT TO AN APPROPRIATE JOB DESCRIPTION AGREED TO BY THE LOCAL UNION'S PRESIDENT, ANA AGUILAR.**

**\*\* MR. COGGIN SECONDED THE MOTION.**

Mr. Coggin said that the motion as stated sounded as if the Commission were mandating that a hire be made, and suggested that Mr. Leary discuss this further with the Union and with Attorney Hodgson. He said that he would be more comfortable if the Commission's motion was to approve the creation of the position, the posting of it and that the job description should be reviewed by the Union. He stated that he wanted to be sure that once this position was filled it would eliminate overtime from the existing resource pool.

Chairman Brown withdrew his original motion.

**\*\* CHAIRMAN BROWN MOVED TO ACCEPT THE RECOMMENDATION OF THE GENERAL MANAGER AND THE DISTRICT OFFICE MANAGER TO HIRE A CUSTOMER ACCOUNT ANALYST.**

**\*\* MR. COGGIN SECONDED THE MOTION.**

Mr. Coggin said that the Commission should move forward to hire Patricia Dennison as Customer Account Analyst pursuant to the August 18<sup>th</sup> draft job description which should be reviewed by the Union. Mr. Leary would work closely with Attorney Hodgson. Mr. Coggin said that it should be understood by everyone

that the hourly rate for Ms. Dennison would be increased in \$2.00 increments from \$15 to \$17 to \$19 for years 1, 2 and 3. However, if Ms. Dennison were to vacate the position, the rehire would be made at the base rate of \$15 an hour subject to the Union's bargaining agreement regarding annual increases.

Mr. Coggin said that it is his expectation that the office management staff, including Mr. Leary and Mr. Scofield, would work diligently to assure that with the addition of this resource, there would be a reduction in overtime for other laborers, to the extent possible. Mr. Coggin stated with the hire of the position, he would not look favorably on the extension of the retainer for Mr. Kim Snow beyond 1/1/04.

Attorney Jarboe suggested that the Commission proceed to create the position, and obviously the hire would not be immediate since it would need to be posted first. The Commissioners discussed posting the position and the possibility that other employees internally then might be interested in applying for it. Mr. Leary said that if the position were not posted it would upset the Union and he didn't want this to happen. Attorney Scarborough agreed, saying that law would require the position to be posted first and to interview candidates as appropriate. He added that if the department had someone in mind that they wanted to hire, this information should not be made public.

Mr. Feinstein said that he is opposed to creating the position since it appeared that the majority of the services performed were of an accounting nature, and that is what the current Office Manager is responsible for. He said that if the intent was to expand the Union, the department's needs would be better served by hiring field workers rather than office workers. He agreed that a rehire should not be hired at the same hourly rate as the person who he was replacing that had been employed for a particular time and was earning a higher salary.

Mr. Coggin said that the Commission should approve creation of the position, not the hire at this point and accordingly, suggested that Chairman Brown amend his motion.

**\*\* CHAIRMAN BROWN MOVED TO AMEND HIS PREVIOUS MOTION AND FURTHER MOVED TO ACCEPT THE RECOMMENDATION OF THE GENERAL MANAGER AND THE DISTRICT OFFICE MANAGER TO AUTHORIZE THE CREATION OF**

**THE POSITION OF CUSTOMER ACCOUNT ANALYST AND THE  
SUBSEQUENT POSTING OF IT.**

**\*\* MR. COGGIN SECONDED THE MOTION.**

Mr. Coggin reiterated his earlier comments regarding the resource pool and the adjustments that would be made to other laborers.

**\*\* MOTION PASSED WITH ONE VOTE IN OPPOSITION (MR. FEINSTEIN).**

**VANDERBILT BILLING DISPUTE**

**\*\* MR. FEINSTEIN MOVED TO AUTHORIZE THE SETTLEMENT OF A DISPUTED BILL WITH VANDERBILT IN THE AMOUNT OF \$40,666.49 IN CONJUNCTION WITH A LETTER FROM THE GENERAL MANAGER DATED AUGUST 11, 2003.**

**\*\* MR. COGGIN SECONDED THE MOTION.**

Mr. Coggin urged Mr. Leary to discuss the list with his staff and report to the Commission their comments and input.

**\*\* MOTION PASSED UNANIMOUSLY.**

**REDUCE CUSTOMER DEPOSIT INTEREST RATE**

Chairman Brown said that while the issue of reducing customer deposit interest was discussed at the August 18<sup>th</sup> meeting he wanted to revisit it now. Accordingly he said that he would probably amend the motion he made at that meeting. Customers who have a deposit receive an interest rate of four percent (4%) yet banks pay back less than one percent (1%) to the Electric Department. He said that according to Mr. Sussler's memorandum of August 25<sup>th</sup>, municipal electric departments are not required by statute to any interest on a customer's deposit.

Mr. Feinstein said that he was not satisfied with this and that he wanted an opportunity to receive a formal opinion on this issue.

**\*\* MR. FEINSTEIN MOVED TO TABLE THIS ITEM UNTIL FURTHER INFORMATION IS OBTAINED.**

**\*\* CHAIRMAN BROWN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **PLAN OF WORK**

Mr. Coggin said that on August 14 he prepared a draft with 26 items that require the attention of the Electric Department over the next six-month period. The list was not prepared in order of priority, since in Mr. Coggin's opinion each of the items carried as much importance as the next. He said that Mr. Leary has met individually with each of the Commissioners to review the list, which would become part of Mr. Leary's personnel file to be used as the basis for performance reviews. All of the items were of a strategic nature rather than day-to-day responsibilities. Mr. Coggin said that each item has its own completion date. Many of the items would need to be completed as a department. Mr. Coggin urged Mr. Leary to discuss the list with his staff and revert to the Commission their comments and input. He said that many of the items on the list have been deferred for years and therefore are now critically important. He said that the Commission needs to know what resources will be needed to complete the items.

Mr. Leary said that he was not comfortable without having some type of priority for the items. He said that he would review the list with his staff, but without a prescribed order of priority, it was nearly impossible to solicit their input. He said that he would have input from his staff at the next meeting.

Chairman Brown said that the department is currently working on a backlog and agreed that a plan of action is desperately needed. He asked Mr. Coggin to use his expertise and prioritize the list for Mr. Leary; Mr. Coggin said that he could not do that. Mr. Leary should stay cognizant of the target completion dates.

### **ADOPTION OF A CAPITAL BUDGET AND FUNDRAISING MECHANISM**

Mr. Leary said that it is this year's capital budget is the substantially the same as last years. He said that the law requires that the electric company make at least five percent

(5%) but the District is not in a position to do that out of its current profits. Therefore, he suggested that four percent (4%) of plant (going back to July) or \$242,000 be put into a depreciation fund. That fund would be used to pay for capital items throughout the year. He said that if the department needs to pay for the line truck, they wouldn't have the funds to do so. He said that the Commission would be able to track depreciation and there can be no overspending without the Commission's approval. Chairman Brown said that everything is paid for from the operating budget; there are no funds for capital items.

Mr. Leary said that historically, there is enough revenue to fund at five percent (5%) since income is approximately \$350,000 annually. Profits should be better this year because the economic development fund will be included.

Mr. Coggin thought it was good to have a draft for review. He thanked Mr. Leary for putting it together. The Department would need to create the mechanism to fund the capital budget and based on the discussion, the numbers Mr. Leary presented for 2004 look reasonable for this to happen

**\*\* MR. COGGIN MOVED TO AUTHORIZE THE CREATION OF THE ACCOUNTING MECHANISM TO FUND THE CAPITAL BUDGET AND FURTHER MOVED TO BEGIN FUNDING IT AS OF JULY 1, 2003 FOR FISCAL YEAR 2004 BASED ON THE RATE OF FOUR PERCENT (4%) OF PLANT COSTS.**

**\*\* CHAIRMAN BROWN SECONDED THE MOTION.**

Mr. Feinstein asked how this compared to the operating budget. Mr. Leary said that the operating budget is easier to do since financial information isn't needed for that. A capital budget is prepared out of profits. Mr. Feinstein wondered if a capital budget could be adopted now, after the electors meeting was already held and the District voted on a budget. Chairman Brown said that it could be funded out of profits and then out of reserves. Mr. Feinstein asked about adopting a three-year plan. Mr. Coggin said that the Charter allows the Commission to manage the department without the approval of the electors. A budget can be adopted and then the capital plan can be updated to fulfill the objective of the electors; he said it is a good starting point. Chairman Brown said that he has reviewed budgets in the past but has never fully understood the mechanisms to fund them. Mr. Feinstein said that he recalled discussion of a capital budget in the past but it never came to fruition.

**\*\* MOTION PASSED WITH ONE VOTE IN OPPOSITON (MR. FEINSTEIN).**

**\*\* CHAIRMAN BROWN MOVED TO DEFER DISCUSSION OF AGENDA ITEMS 16, 17, 18 AND 21 TO A DATE TO BE DETERMINED BY POLLING OF THE DISTRICT.**

Mr. Coggin suggested that Chairman Brown withdraw his motion and that the items remaining for discussion should be tabled until next month's meeting. Chairman Brown withdrew his motion stated above.

**\*\* MR. COGGIN MOVED TO TABLE ITEMS 16 THROUGH 22 TO THE COMMISSION'S NEXT MEETNG.**

**\*\* MR. FEINSTEIN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. FEINSTEIN MOVED TO ADJOURN.**

**\*\* MR. COGGIN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Carol A. Wiggins for  
Telesco Secretarial Services

